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Atty. Dkt. No. 20973-20

REMARKS

Claims 2, 4-6, 9-13, 16-17, 19-20, 22-24, and 26-32 remain pending in the present application. It is respectfully submitted that the pending claims define allowable subject matter.

Applicants respectfully traverse the rejection of claims 4, 5, 16-17, 19-20 and 26-27 under 35 USC 102(e) as being anticipated by Verna (USP 6,681,398).

Verna fails to teach or suggest, among other things, a memory component to store at least a portion of the video content where the portion of the video content that is stored in the memory component is selected and entered by the user through the user interface. Verna's reviewing system affords NO capability that would allow the user, of the reviewing system, to select which portion of the video content is to be stored. Verna's reviewing system 220 includes a manipulating means 216 that permits the user to view stored video segments and live video segments (col. 17, lines 24-32). The manipulating means 216 includes fast-forward, rewind, playback, freeze, slow motion and zoom options (col. 17, line 34 to col. 18, line 57). The manipulator means 216 is incapable of selecting which portion of the video signal is to be saved in memory.

Instead, in Verna, the selection system 140, which is entirely separate and remote from the reviewing system 220, controls which video segments are conveyed to the reviewing system 220. The selection system 140 includes a controller 150 that permits a remote person (separate from the user of the reviewing system 220) to select which video segments are transmitted to the reviewing system 220. Upon receipt of the video segments, the reviewing system 220 displays and/or stores the video segments. The memory 212 simply stores whichever video segment is transmitted from the selection system 140. There is NO suggestion within Verna to provide, at the manipulator 216 of the reviewing system 220, the ability to select which portion of the incoming video content is to be stored.

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Moreover, there is no reason to modify Verna's reviewing system 220 to add the above-noted claim limitation. In fact, when the purpose of Verna's system is considered, it is self-evident that the user of the reviewing system 220 would not want the responsibility, and could not effectively utilize the option, of choosing which video segments should be stored. Verna's primarily example is for sporting event referees to use the system to review plays while on the field to assist the referee in determining particular officiating calls. Effectively, the reviewing system 220 is intended to provide a replay option for officials in close calls. Verna devotes a substantially majority of the description of the relevant art to instant replay in sports and the advantages of instant replay for sporting event officials.

During a play, the official's attention must be focused on the playing field and on the players. During the play, the official would not want to divert his/her attention away from the play/players to choose which portion of a continuous video signal should be stored in memory. Instead, as taught by Verna, the official relies on a remote operator of the selection system 140 to choose which video segments are transmitted to the reviewing system for storage. It should be noted that the reviewing system 220 does not receive a continuous video stream, but instead only receives video segments chosen at the selection system 140. Thus, there is no reason to modify Verna's reviewing system 220 to afford the capability at the user interface to select which portion of the video content is to be stored in the memory component, at this selection has already been made at the selection system 140. Verna's other suggested applications (e.g., security cameras) would also have no reason to select which portion of the video content is stored in memory for the same reasons. Thus, claim 26 is not anticipated.

Next, applicants' traverse the rejection of claims 2 and 6 under 35 USC 103(a) as being unpatentable over Verna. The Office Action acknowledges that Verna lacks the features of claims 2 and 6, yet goes on to take Official Notice to purportedly make up for the deficiencies of Verna. As to claim 6, it is submitted that the knowledge, to which Official Notice it taken, does not establish any legitimate reason to modify Verna's system in a manner that would render obvious the claimed invention. In the Office Action, it is stated that "Official Notice is taken

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that storing data on a removable memory such as a CD-ROM or flash memory and later downloading the stored data to an external device such as computer is well known". It is further maintained that it would have been obvious to modify Verna's system to store data on a removable memory "in order to provide a convenient and easy way to transfer the stored data from the removable memory to an external device." Applicants disagree. When determining obviousness, the prior art must be considered in its entirety. In the present matter, when Verna's teachings are considered in their entirety, it is clear that there is no reason to add a removable memory module configured to allow for downloading of the video segments to an external device. Verna's system is intended for use by an official at a sporting event or a security guard. The prior art of record provide no reason for an official or security guard to download video segments. Verna gives examples of the storage capacity at column 15, lines 40 to 54. All of the examples are only very short intervals (e.g., 45 sec., 90 sec., 115 sec., 120 sec.). It would be impractical for an official or guard, when using Verna's system, to retain only certain video segments long-term and then after the game, remove the memory to download one or more 45 to 120 second long video segments to a computer. There is simply no reason within the prior art to do so. Also, the selection system 140 would presumably already have the capability to save all of the video segments. Thus, claim 6 is not obvious.

Applicants traverse the rejection of claims 9-13, 22-24 and 28-32 under 35 USC 103(a) as being unpatentable over Verna in view of Havey (USP 6,597,346). Claim 9 defines the processor of claim 26 to operate in each of video viewer, digital camera and camcorder modes of operation. Claim 10 defines the user interface of claim 26 to include user inputs to select between a plurality of modes, including each of video viewer, digital camera and camcorder modes of operation. Independent claim 32 defines a portable wireless handheld device comprising, among other things, a processor operating in a plurality of modes that comprise each of a video viewer mode, a binocular viewer mode, a digital camera mode and a camcorder mode.

In the Office Action, it is acknowledged that Verna does not offer the claimed modes. In fact, Verna's reviewing system 220 only offers one mode of operation, namely a video reviewing

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device. The person of ordinary skill would not have been motivated to modify Verna to add the additional claimed modes of operation. To add binocular, digital camera and camcorder modes to Verna's reviewing system 220, the person of ordinary skill would first need to add numerous components to Verna's reviewing system, such as an binocular components, digital camera components and video recorder components. Such modifications would be significant and far beyond the scope and purpose of Verna's reviewing system. Verna's user would have no use for, nor interest in, utilizing a hand held device with a binocular mode, a digital camera mode or a camcorder mode. A sporting event official, Verna's primary embodiment, would have no desire for a camera, a camcorder or binoculars. Verna's other suggested applications (e.g., security cameras), would also have no use for a camera, a camcorder or binoculars. Referees and security guards use Verna's system to replay video segments from cameras. Referees and security guards would not have time, nor any need, to take pictures, use binoculars or a camcorder.

Further, there is no legitimate reason within the prior art to add all of the necessary electronics and components to Verna's reviewing system in order to then provide the claimed multiple modes of operation. In the Office Action, the maintained motivation is "in order to effectively provide user the various features of displaying the video and the immediate surroundings and capturing the video/images within a single portable device. Havey does not provide any motivation to modify a system of Verna's type. The problems overcome by Havey are not problems for Verna. The solutions offered by Havey would provide no advantage to Verna's user.

Verna and Havey are substantially diverse and unrelated systems. Verna concerns a system for reviewing selected video segments of events, such as sports, entertainment, news etc. The selected segments are received and identified by a remote selection system. Havey's system does not use separate cameras and is incapable of receiving selected video segments from a remote selection system.

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Instead, Havey's system is a stand-alone computer with a see through display. Verna's reviewing system 220 is not a stand-alone computer. Havey provides that "it is often helpful to have various types of data superimposed onto a real world view." (col. 2, lines 17-20). Thus, Havey provides the see through display in order to superimpose data on the user's view. Verna's system does not need to provide a view from the referee's or guard's perspective, but instead from the perspective of remote separate cameras. The referee or guard, who uses Verna's system, is more interested in views from camera angles that differ from their present location. Nor would Verna's user have any interest in viewing, taking pictures of, or recording video clips of, the event through a hand held device. In Verna's primary embodiment, a sporting event official would not want to limit his/her range of vision to a handheld see through display and would not have time to take pictures or video clips.

Also, Havey provides that the computer with the see through display "allows an operator to look through the device and view his immediate surroundings and simultaneously view a display from an internal computer. The simultaneous view being made possible by having the two views superimposed." (col. 3, line 67 to col. 4, line 4). The user of Verna's system would not experience a problem without, nor gain any advantage by, viewing the event from the user's perspective with computer generated data superimposed over the view.

Claims 11-13 and 28-30 add an optics system of the portable device of claim 26. Independent claim 31 further defines the device to include an optics system that, when directed toward the event, provides binocular functionality to produce magnified video content separate and independent from the video content produced by the plurality of cameras or received by the receiver. The user interface also includes inputs that permit the user to select the magnified video content from the optics system which is then displayed by the display.

As explained above, there is no legitimate reason to modify Verna's system based upon the teachings of Havey to add an optics system. The prior art fails to establish any problem that Verna's system suffers that Havey overcomes by adding an optics system. Verna and Havey

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describe significantly different and unrelated systems. Verna concerns a system for reviewing video segments on a reviewing system held by an official at a sporting event or a security guard. Havey concerns a hand held computer. Havey's computer does not receive video segments from a remote device, such as Verna's selection system. Verna's user would not experience a problem without, nor gain any advantage by adding, the claimed optics systems.

Finally, the prior art fails to teach or suggest a handheld portable wireless device having the claimed functionality to select between multiple video content, as well as operate in each of the claimed modes. The applied prior art does not discuss any device to be used at an event and to select between cameras at the event, let alone the additional functionality of providing a binocular viewing mode, a digital camcorder, a digital camera mode as claimed.

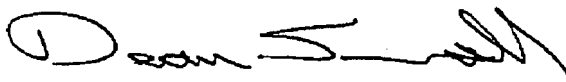
Finally, it is emphasized that the above claims have not be written in "means-plus-function" format and the claims should not be interpreted in accordance with 35 U.S.C. § 112, sixth paragraph.

In view of the forgoing, it is respectfully submitted that the pending claims define allowable subject matter. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,

Date:

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